

# AMENDMENT FORM

**Committee** Finance / Executive

Page Number (s) 2

Ordinance I.D. # 02-0-0260  
02-0-0259 *SP*

Section (s) 2

Resolution I.D. # \_\_\_\_\_

Paragraph (s) First

**Amendment: Insert a new Section 2 in place of the current Section 2. The current Section 2 shall be renumbered as Section 3. The new Section 2 will state as follows: This ordinance shall become effective on January 1, 2003.**

[illegible]

Date: 2/07/02

Initials: wh

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**AMENDMENT FORM**

Committee Finance / Executive

Page Number (s) 3

Ordinance I.D. # 02-0-0260

Section (s) 3

Resolution I.D. # \_\_\_\_\_

Paragraph (s) First

Amendment: Insert a new Section 3 in place of the current Section 3. The current Section 3 shall be renumbered as Section 4. The new Section 3 will state as follows: This ordinance shall take effect on January 1, 2003.

[illegible]

Date: 2/07/02

Initials: wh

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**AN ORDINANCE  
BY**

**02-0 -0260**

**AN ORDINANCE AMENDING SECTION 2-4 OF THE CITY  
OF ATLANTA MUNICIPAL CODE OF ORDINANCES TO  
INCREASE THE WAIVER OF GOVERNMENTAL  
IMMUNITY FOR THE SETTLEMENT OF MOTOR VEHICLE  
COLLISION CLAIMS FROM \$ 2,000.00 TO \$25,000.00 AND  
FOR OTHER PURPOSES**

WHEREAS, municipalities in the State of Georgia enjoy immunity from liability for damages caused by operation of its governmental functions; and

WHEREAS, the Georgia Constitution provides for the waiver of immunity by a municipality under certain circumstances; and

WHEREAS, the City of Atlanta currently waives its governmental immunity for the settlement of motor vehicle collision claims in an amount not to exceed \$2,000.00 per accident; and

WHEREAS, although the City Council increased the City's waiver to \$2,000 in 2000, indications are that this amount is insufficient to compensate some victims of motor vehicle collisions with significant property damages or personal injuries; and

WHEREAS, the City Council wishes to make the City's exposure in such instances more commensurate with the limits of consumer insurance policies; and

WHEREAS, increasing the amount which can be offered for settlement may aid in decreasing the number of lawsuits filed against the City for vehicle damage.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

**Section One:** That Chapter Two, Section 2-4 subsections (1) and (2), "Self-insurance and waiver of governmental immunity," of the Code of Ordinances be amended to read as follows:

- (1) Payments for damages because of bodily injury or death resulting therefrom to any one person or for damage to property to any one person or for both shall not exceed the total amount of **\$25,000.00** in any one incident or collision arising because of the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision in a governmental undertaking.

- (2) There shall be no additional or excess insurance coverage or self insurance, other than the total payment of **\$25,000.00** to any one person arising out of any one incident or collision, as set forth in subsection (1) of this section.

**Section Two:** Any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

Law/January 23, 2002 (3:32pm)

**CITY COUNCIL  
ATLANTA, GEORGIA**

**AN AMENDED ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN AMENDED ORDINANCE AMENDING SECTION 2-4  
OF THE CITY OF ATLANTA MUNICIPAL CODE OF  
ORDINANCES TO INCREASE THE WAIVER OF  
GOVERNMENTAL IMMUNITY FOR THE SETTLEMENT  
OF MOTOR VEHICLE COLLISION CLAIMS FROM  
\$2,000.00 TO \$25,000.00; TO MAKE SAID AMENDMENT  
EFFECTIVE JANUARY 1, 2003; TO REPEAL  
CONFLICTING ORDINANCES; AND FOR OTHER  
PURPOSES**

WHEREAS, municipalities in the State of Georgia enjoy immunity from liability for damages caused by operation of its governmental functions; and

WHEREAS, the Georgia Constitution provides for the waiver of immunity by a municipality under certain circumstances; and

WHEREAS, the City of Atlanta currently waives its governmental immunity for the settlement of motor vehicle collision claims in an amount not to exceed \$2,000.00 per accident; and

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operation or use of any motor vehicle by the city under its management, control or supervision in a governmental undertaking.

- (2) There shall be no additional or excess insurance coverage or self insurance, other than the total payment of \$25,000.00 to any one person arising out of any one incident or collision, as set forth in subsection (1) of this section.

**Section Two:** This ordinance shall not become effective until January 1, 2003.

**Section Three:** That all ordinances or parts of any ordinance in conflict herewith are hereby repealed.